

STATE OF MICHIGAN  
COURT OF APPEALS

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BILLIE J. MEADOWS,

Plaintiff/Counterdefendant-  
Appellee,

v

JOAN J. MEADOWS,

Defendant/Counterplaintiff-  
Appellant.

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UNPUBLISHED

April 27, 2010

No. 288893

Wayne Circuit Court

LC No. 07-705162-DO

Before: JANSEN, P.J., and CAVANAGH and K. F. KELLY, JJ.

JANSEN, P.J. (*concurring in part and dissenting in part*).

I concur in the majority's conclusion that the trial court properly awarded plaintiff a one-half interest in the Higgins Lake property. I respectfully dissent, however, from the majority's conclusion that the judgment of divorce fully comported with the evidence presented at trial on the issue of credit card debt. The judgment of divorce specifically listed 15 different credit cards, providing that the debt on each of the cards would be split equally between the parties. But only three joint credit cards were ever explicitly addressed at trial. And although plaintiff's daughter testified that her father had numerous other credit cards in addition to those specifically addressed, she did not indicate how many he had, how much debt existed on each one, or whether the additional credit cards were jointly held by the parties. Nor was the testimony entirely consistent concerning the total amount of credit card debt. Indeed, the trial court observed that it could not precisely calculate the total outstanding credit card debt in this case. It is axiomatic that a trial court's judgment must comport with the actual evidence adduced at trial. See *Erdman v Yolles*, 62 Mich App 594, 599; 233 NW2d 667 (1975). Accordingly, I would vacate that portion of the judgment of divorce pertaining to the issue of credit card debt, remand to allow the trial court to take additional evidence on the total number of joint credit cards and the total outstanding debt on each card, and instruct the court to make additional findings of fact on these matters before equitably dividing the joint credit card debt.

/s/ Kathleen Jansen